

**Statement of  
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**Before the  
House Committee on Transportation and Infrastructure**

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Chairman Oberstar, Ranking Member Mica and Members of the Committee I want to thank you for the opportunity to appear before you today to discuss Residential Thru-the-Fence Access Agreements at Public Airports: Action to Date and Challenges Ahead. Currently in the State of Georgia we have 104 publicly-owned public-use airports. 95 of those airports are general aviation airports and 91 of the 95 are federally obligated and identified in FAAs National Plan of Integrated Airport Systems (NPIAS).

**Actions to Date**

We are pleased to report to the Committee not a single publicly-owned NPIAS airport in our state has residential Through-the-Fence access. This is certainly not due to the fact no one has ever asked. In each of the 13 years I have worked with the Georgia Department of Transportation we have received numerous questions from our airport sponsors who have been approached with residential Through-the-Fence proposals. Our initial response to the airport sponsor has always been "just say no." Then we work to outline for the airport sponsor why these agreements are

not in the best interest of a publicly-owned airport. First and foremost we point out residential Thru-the-Fence agreements are inconsistent with the airport's federal obligation to ensure compatible land use adjacent to the airport. Secondly we review their federal sponsor's grant assurances relative to preserving rights and powers for control of airport operations and development; development of self-sustaining and nondiscriminatory rates and charges; and discuss the inherent safety, security and liability issues associated with these proposals. Lastly, we inform the airport sponsor of the probable consequences of their actions should they choose to enter into a residential Thru-the-Fence access agreement - they risk not receiving any future federal funding assistance for potential non-compliance with the airport's federal grant assurances. In the majority of the proposals we review, this educational process with the airport sponsor gives them the information needed to make a decision to decline the proposal.

The remaining proposals that come across our desk are not nearly as easy to resolve. Simply put these proposals take on a life of their own. They tend to be as unique as the airport and their proponent; contain elements that may adversely affect the safe operation of the airport; rarely contain provisions that are truly in the best interest of the airport; and consume the valuable personnel and financial resources of all involved.

One such proposal presented to one of our airports in 2006 still remains unresolved today. The original proposal contained a substantial residential component along with a large water feature and also included hangars and a new fixed base operation. The FAA and the state voiced our concerns and objections to the residential component of the development proposal along with the water feature which would provide a habitat for birds and wildlife and potentially pose a safety

hazard to aircraft operating at the airport. This particular proposal is extremely complicated and complex due to a number of other issues which include but are not limited to: the airport sponsor does not have jurisdiction for zoning around the airport as the airport property lies in another county; and when the airport sponsor originally purchased the airport property the deed contained a number of established Thru-the-Fence access points.

At last count more than 30 meetings involving the proponent; airport sponsor and local government officials; GDOT and other state officials; and FAA and other federal officials have taken place since 2006 to address this proposal. Additionally the airport sponsor has been and still is involved in litigation with the Thru-the-Fence proponent relative to the proposed access agreement. During the past year, the proponent has brought forth a revised proposal that contains primarily aeronautical development and no residential component. Although this particular Thru-the-Fence proposal has not been completely resolved, the residential component has been eliminated. The FAA and our office remain committed, as we have for the past five years, to working with the airport sponsor, proponent and other interested parties to successfully resolve this issue. As this particular example illustrates, these issues have a high degree of complexity, are contentious, are usually protracted over a number of years and can result in significant expense to the airport sponsor and proponent.

### **Challenges Ahead**

In working with our airport sponsors to resolve these more difficult proposals we have long criticized FAA for its lack of a clear and enforceable policy on this issue. The word “discourage” in FAA’s current Thru-the-Fence policy does little to dissuade some local government officials with little to no experience in airport

operations or a true understanding of federal grant obligations. The weak language in FAAs current policy prolongs the process of successfully resolving residential Thru-the-Fence proposals to the benefit of the national and our statewide airport system.

In 2008 the FAA selected the State of Georgia to become the 10<sup>th</sup> Block Grant Program state. When we executed the Memorandum of Agreement for the Block Grant Program with FAA it outlined our responsibilities under the program and FAAs expectations. Nowhere in the Agreement did FAA give us an option to enforce only those policies, rules and regulations we liked or agreed with. We accepted the responsibility for administering the federal Airport Improvement Program for our 91 general aviation airports in its entirety. Resolving Thru-the-Fence issues, whether they are residential or commercial, are the most difficult part of administering the Block Grant Program. Until such time as the current FAA Residential Thru-the-Fence policy is clarified and strengthened we will continue to struggle to bring timely resolution to these issues.

During the past 12 years Georgia has invested more than \$50 million of state funds to extend runways at 37 airports statewide in an effort to place every Georgian within a 30 minute drive of an airport capable of accommodating 85 percent of the corporate aircraft flying today. This has been done in an effort to support regional economic development opportunities which in turn will keep Georgia's citizens, and its business and industry connected to the global economy. It is imperative we provision for and protect the future development of our airports so they will continue to serve for the public benefit in our state and national airport system.

## **A Personal Perspective**

After reviewing a number of comments from Residential Through-the-Fence proponents posted on the internet and contained in FAAs Federal Register notice, I am compelled to offer several comments to the Committee from a personal perspective and not as comments on behalf of GDOT. Proponents of Residential Through-the-Fence agreements have asked “who are these people who are telling us and our local airport we can’t do this? They certainly aren’t pilots or aviation-minded.”

For more than 25 years I have held an FAA pilot’s license, along with a multi-engine, instrument and flight instructor’s ratings. I have owned four airplanes including a 1946 Piper J-3 Cub and a Cessna 210. I am an avid general aviation pilot who has logged more than 3000 flight hours and lived for eight years in a privately-owned private-use fly-in community. I assure the Committee I understand the desires of a pilot who wishes to live in a fly-in community environment. However, my personal enjoyment of that lifestyle should not be associated with a publicly funded airport. It is appropriate for that lifestyle to be enjoyed at a privately-owned and maintained airport. In Georgia more than 35 privately-owned private-use residential airparks exist for this purpose.

It is important to note as a private citizen flying out of a private airport I am solely responsible for my safety and that of my passengers. I personally assume that risk. As an employee of Georgia Department of Transportation I am charged with ensuring the safety of traveling public at our public-use airports. Neither I, our staff, FAA, nor an airport sponsor should take any action that would potentially jeopardize the safe operation of our airports.

## **For The Future**

We respectfully urge the Congress to support FAA's update to its Residential Thru-the-Fence policy and amendment to its Grant Assurances in order to minimize safety risks; protect the future development of our publicly-owned airports and maintain the integrity of the federal, state and local dollars previously invested at these airports. This would support the past and future efforts of our staff and FAA as we work with our airport sponsors to ensure the safest possible operating environment on our airports and compliance with all federal airport policies and regulations.

It should be noted FAA's proposed policy prohibiting new access to airports from residential property does not preclude an airport sponsor from making a decision to allow this access. FAA's proposed policy only sets forth clear and enforceable consequences for a sponsor who chooses to allow this access.

Again, I thank you for the opportunity to share Georgia's experience and challenges with Residential Thru-the-Fence issues. This will conclude my formal remarks and I am happy to answer any questions the Committee may have.

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